IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Chamber Summons no. 404 of 2006
in
SUIT NO. 373 OF 1982

MANOHAR VASUDEO CHHABRIA AND ORS. ... Plaintiffs
V/S
RAMESH R.CHHABRIA AND ORS. ... . Defendants

Mr. C.D. Patel i/b. Kanga &Co., for plaintiffs
Mr. V. M.Singh i/b.
M/S.THAKORDAS AND MADGAVKAR for applicants
Mr. Anand Bhosle i/b. MULLA AND MULLA for defendant no.1.

CORAM: **D.G. KARNIK J**.

DATE: March, 12, 2007

P.C.:

1. Chamber summons is mentioned. Not on board.

2. Under Rule 156 of the Bombay High Court, Original Side rules the Chamber Summons is required to be heard by the Judge before whom the suit is listed for hearing. By consent Chamber Summons is heard finally.

3. This Chamber Summons is taken out by the applicants for impleading them as parties to the suit. Plaintiffs and the defendants are partners. The partnership had taken on rent the premises owned by the applicants. On account of disputes the plaintiffs filed a suit against the defendants for

dissolution of the partnership and accounts. It appears that the settlement has been reached between the plaintiffs and the defendants regarding the dissolution of the firm and the consent terms have already been filed in this court. In the meanwhile the applicants have taken out this Chamber Summons for impleading them as parties. The applicants submit that the large amount of rent is due to them as landlords and they are entitled for recovery of the same. For recovery of any amount due to the applicants as rent they are entitled to file a suit for recovery of the rent and / or for possession in the Small Causes Court at Mumbai. In this suit for dissolution of partnership no claim can be made by the applicants for recovery of the rent, as the jurisdiction for passing an order for recovery of rent and / or possession exclusively vests in the Small Causes Court. Hence the present Chamber Summons is misconceived and is dismissed.

(D.G. KARNIK J.)